



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01776-00

23 August 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: ~~LT-3, USN~~  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Mar 00 w/attachments  
(2) Memo for the Record dtd 4 Aug 00  
(3) PERS-85 memo dtd 24 May 00

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant he would have been assigned had he been selected for promotion to that grade by the Fiscal Year 97 Line Lieutenant Selection Board. Petitioner originally requested changing his date of rank and effective date of promotion to lieutenant from 1 October 1997 to 1 June 1997. The memorandum for the record at enclosure (2) shows he later amended his request to 1 July 1997.

2. The Board, consisting of Ms. Moidel and Schnittman and Mr. Bartlett, reviewed Petitioner's allegations of error and injustice on 17 August 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his lieutenant date of rank (and by implication, effective date) to 1 July 1997.

## CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

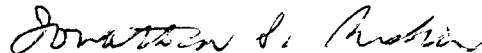
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant as 1 July 1997, rather than 1 October 1997; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
for W. DEAN PFEIFFER  
Executive Director

HD:hd  
Docket No. 01776-00  
4 August 2000

MEMORANDUM FOR THE RECORD

Subj: LT [REDACTED] N. U [REDACTED]

1. This memo for the record is to document a conversation between subject officer and this staff member. Lieutenant [REDACTED] original request that his date of rank and effective date in the grade of lieutenant be backdated to 1 June 1997.

2. Pers-85 advisory opinion recommend his date of rank as 1 July 1997. After talking with Pers-85, he indicated that he agrees with the date as provided for in the advisory opinion.

[REDACTED]